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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,513	03/07/2002	Dean Moses	19312:0020	8808

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EXAMINER

DINH, DUNG C

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 01/29/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,513

Applicant(s)

MOSES ET AL.

Examiner

Dung Dinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/03 has been entered.

Response to Arguments

Applicant's arguments filed 11/12/03 have been fully considered but they are not persuasive in view of the new ground of rejection below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-13, 14-26, 27-39, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al. US patent 6,236,971 and further in view of Chang et al. Pub. No. US 2002/0078377 (prior art submitted by applicant 1/9/03 - paper #7).

As per claim 1, Stefik teaches a method for sharing an object [digital work] comprising the steps of:

storing a reference [digital ticket] to the object in a first repository [see col.51 claim 1 step d - "second repository"];

performing a first operation to store a duplicate of the reference to the object in a second repository [col.51 step e - "third repository"];

wherein the first operation is in accordance with a first privilege granted as defined by a permission [claim 3 - permission granted as a result of paying a fee].

Stefik does not specifically disclose the object (digital work) being an invokable software object. However, it is known at the time of the invention to share/lease invokable software objects. Chang et al. discloses a system where invokable software objects can be leased for used over a distributed network (see fig.2d, fig.3, paragraph [0035]). It would have been obvious for one of ordinary skill in the art at the time of

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the invention to apply the teaching of Stefik to control the leasing of invokable software objects because it would have enabled the owner of a software object to specify usage and distribution rights to the software object (see Stefik abstract, col.4 lines 6-14).

As per claim 2, Stefik teaches the reference is to an object of a first site ["first repository"].

As per claim 3, Stefik teaches adding the object to a second site [col.51 step i].

As per claims 4-5, Stefik teaches an operating to remove the object from a repository [col.38 lines 18-29].

As per claim 6, it is apparent Stefik provides access to the duplicate of the reference [i.e. another repository requesting the digital ticket].

As per claims 7-9, Stefik teaches access is in accordance with a second privilege [apparent from col.11 lines 33-44, col.44 lines 8-23, col.46 lines 1-20] and storing in a third repository [the distributor repository, etc.].

As per claims 10-11, Stefik teaches an operating to remove the object from a repository [col.38 lines 18-29].

As per claim 12, Stefik teaches reference to child object [apparent from col. 11 line 58 to col.12 line 8].

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As per claim 13, Stefik teaches excluding reference to a child object [apparent from col.12 lines 21-38].

As per claims 14-26 and 27-39, they are rejected under similar rationales as for claims 1-13 above.

As per claim 40, it is rejected under similar rationale as for claim 1 above. Since the object (digital work) is originally stored in Stefik's "first repository", Stefik's "second repository" and "third repository" can 'share' a reference (digital ticket) to the object stored on the "first repository". Hence, the repositories comprise a shared repository as claimed.

As per claim 41, it is apparent that a second copy of the reference (digital ticket) can be made to another third repository if the ticket permits multiple copies.

As per claim 42, another third repository would be considered as part of a shared repository for the same rationale as stated for claim 40 above.

As per claim 43, Stefik teaches the reference (digital ticket) is copied from one repository to another [col.51 line 45, col.4 lines 37-40]. The object (digital work) itself is not transferred to the repository until access to the object is requested using the reference (digital ticket). Hence, the

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object is not copied to the repository during the creation of the copy of the reference.

As per claim 44, Stefik does not specifically disclose storing object in a database remote from the shared repository. However, for reliability purposes, it is well known in the art to store data in a remote database for archival or backup. Hence, it would have been obvious for one of ordinary skill in the art to store the object in a remote database because it would have enabled backup of the object.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

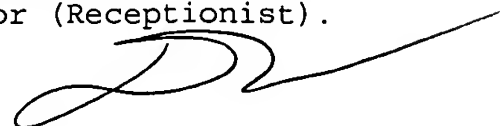
Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).



Dung C. Dinh
Primary Examiner